



466480

Vorys, Sater, Seymour and Pease LLP

52 East Gay Street • Post Office Box 1008 • Columbus, Ohio 43216-1008 • Telephone (614) 464-6400 • Facsimile (614) 464-6350 • Cable VORYSATER

Arthur I. Vorys
1856-1933
Lowry F. Sater
1867-1935
Augustus T. Seymour
1873-1926
Edward L. Pease
1873-1924

In Washington
1828 L Street, NW
Eleventh Floor
Washington, D.C. 20036-5109

Telephone (202) 467-8800
Facsimile (202) 467-8900

In Cleveland
2100 One Cleveland Center
1375 East Ninth Street
Cleveland, Ohio 44114-1724

Telephone (216) 479-6100
Facsimile (216) 479-6060

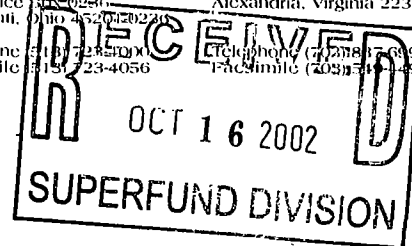
In Cincinnati
Suite 2000 • Atrium Two
221 East Fourth Street
Post Office Box 9286
Cincinnati, Ohio 45201-2026

Telephone (513) 723-4050
Facsimile (513) 723-4056

In Alexandria
277 South Washington Street
Suite 310
Alexandria, Virginia 22314

Telephone (703) 238-1700
Facsimile (703) 238-1702

Martyn T. Brodnik
Direct Dial (614) 464-5612
Facsimile (614) 719-4639
E-Mail - mtbrodnik@vsssp.com



October 14, 2002

VIA US MAIL

Ms. Deena Sheppard-Johnson, SR-6J
U.S. Environmental Protection Agency,
Remedial Enforcement Support Section
77 West Jackson Blvd.
Chicago, IL 60604-3590

Re: Chemical Recovery Systems Superfund Site (Elyria, Ohio).
REPEATED Request For Information by Franklin International

Dear Ms. Sheppard-Johnson:

By letter dated October 8, 2002, Mr. Nash forwarded TechLaw's volumetric ranking for the site. In his letter, Mr. Nash stated that you would send to me a copy of the CD prepared by TechLaw that displays the information from the accounting records, together with associated tables, created from those databases. **Please send that CD to me.**

The TechLaw volumetric ranking does not identify Franklin International as a PRP. Rather, the volumetric ranking identifies Franklin Chemical as 7,370.57 gallons (0.142%). We cannot determine from the volumetric ranking as to whether or not this volumetric calculation pertains to Franklin International or not. **Please confirm.** Please recall that USEPA's November 9, 2001, General Notice Letter and 104e request was directed to Franklin International (fka Franklin Glue). The only documents in that General Notice transmittal that related to Franklin International (fka Franklin Glue) were:

(a) a one line item on a Dirty Inventory which stated:

Franklin Glue 7/8 80 Drs. Sludge

(b) a one line item on an August, 1977 "Cash Received" ledger stating:

Franklin Glue 1,296.00 (Received Invoices), Invoice 7557.

Franklin International has yet to receive any response from USEPA to Franklin International's request for the information and documents upon which USEPA based its original allegation that Franklin International is a PRP at the Chemical Recovery System Site. The lack

Ms. Deena Sheppard-Johnson, SR-6J

October 14, 2002

Page 2

of response from USEPA continues to prejudice Franklin's ability to either defend itself and to participate in this matter.

The following recites the history of the communications between Franklin International and USEPA and USEPA's failure to supply Franklin with the requested information for almost eleven (11) months.

- November 9, 2001, USEPA sends "General Notice Letter" and 104e request to Franklin International (fka Franklin Glue) requesting "good faith response."
- November 26, 2001, letter from Mr. Brodnik (counsel for Franklin International) to Deena Sheppard-Johnson acknowledging our receipt of General Notice letter, stating inter alia that Franklin International cannot make a good faith response in part because Franklin International has not received information from USEPA. This letter also states that Franklin International does not know what, if any, Franklin International's connection is to the site. This letter informs Ms. Sheppard-Johnson that the information from USEPA included (a) an August 19, 1977, Accounts Receivable entry for Franklin Glue for \$1,296 received and invoiced (invoice #7550), and a single entry on a "Dirty Inventory" from Franklin Glue on 7/8 of 80 Drs. of sludge. The letter also stated that USEPA supplied no information that proves that Franklin International arranged for the disposal of any hazardous substances at the CRS Site. **The letter requested that USEPA forward the documents that USEPA alleges support the allegation that Franklin International is a PRP at the site by December 7, 2001.**
- December 10, 2001, Brodnik receives a letter from Mr. Nash stating USEPA's intention to develop a ranking and waste-in list and stating that on September 28, 2001, USEPA mailed a draft approach prepared by TechLaw. The December 10, 2001, letter from Mr. Nash discussed some of the comments received by USEPA on the draft approach.
- December 10, 2001, Mr. Brodnik sends letter to Ms. Deena Sheppard-Johnson reminding Ms. Sheppard-Johnson of :
 - Franklin's November 15, 2001, information request to which USEPA did not respond.
 - Franklin International never received the September 28, 2001, letter from USEPA.
 - Franklin has never seen any ranking or waste-in list.
 - Franklin was never offered any opportunity to comment on the ranking process.

THE UNIVERSITY OF CHICAGO
LIBRARY
5401 S. UNIVERSITY AVE.
CHICAGO, ILL. 60637

THE UNIVERSITY OF CHICAGO
LIBRARY
5401 S. UNIVERSITY AVE.
CHICAGO, ILL. 60637

THE UNIVERSITY OF CHICAGO
LIBRARY
5401 S. UNIVERSITY AVE.
CHICAGO, ILL. 60637

THE UNIVERSITY OF CHICAGO
LIBRARY
5401 S. UNIVERSITY AVE.
CHICAGO, ILL. 60637

THE UNIVERSITY OF CHICAGO
LIBRARY
5401 S. UNIVERSITY AVE.
CHICAGO, ILL. 60637

THE UNIVERSITY OF CHICAGO
LIBRARY
5401 S. UNIVERSITY AVE.
CHICAGO, ILL. 60637

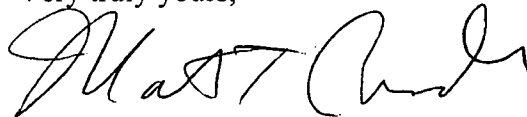
THE UNIVERSITY OF CHICAGO
LIBRARY
5401 S. UNIVERSITY AVE.
CHICAGO, ILL. 60637

Ms. Deena Sheppard-Johnson, SR-6J
October 14, 2002
Page 3

- Franklin has no information regarding the allegation that it is a PRP at the Site.
 - Franklin has no information as to its ranking at the site.
 - Franklin has no information as to how the ranking has been or will be developed.
 - Franklin has no information as to its relative liability, if any, in this matter
 - **By this letter, Mr. Brodnik again requested the documents and information from USEPA by which USEPA alleges Franklin is a PRP at the site.**
- On December 14, 2001, Mr. Nash granted Franklin International until January 15, 2002, to respond to 104e request.
 - January 14, 2002, Franklin sends USEPA its 104e response.
 - **From January 14, 2002, until the October 8, 2002, transmittal of the TechLaw volumetric ranking, Franklin International has received no communication from USEPA, and Franklin has never received the requested information.**

Please (a) confirm whether Franklin International is considered by USEPA to be a PRP at the site; and if so, (b) please inform me as to what the volumetric ranking is for Franklin International (including the assumptions for the ranking and the backup documentation); and (c) please forward all of the documents and information which USEPA alleges support its allegation (if any) that Franklin International is a PRP at the site.

Very truly yours,



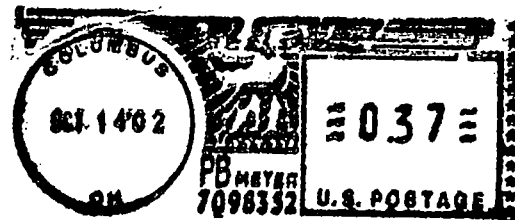
Martyn T. Brodnik

MTB/mtb

cc: Thomas C. Nash (USEPA)
Randy Parker

Vorys, Sater, Seymour and Pease LLP

52 East Gay Street
Post Office Box 1008
Columbus, Ohio 43216-1008



Ms. Deena Sheppard-Johnson, SR-6J
U.S. Environmental Protection Agency,
Remedial Enforcement Support Section
77 West Jackson Blvd.
Chicago, IL 60604-3590

606043590

